

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
36/5 Lenora Avenue, 350 ft. +/-
NE of c/l Byway Road
305 Lenora Avenue
4th Election District
3rd Councilmanic District
Harry H. Stierhoff, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-178-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Harry H. Stierhoff, Jr. and Melanie K. Stierhoff, his wife, for that property known as 305 Lenora Avenue in the Pleasant Hill Park subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 5 ft. in lieu of the required 10 ft. for an attached proposed garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

104 Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of December, 1993 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 5 ft. in lieu of the required 10 ft., for an attached proposed garage, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LES:mmm

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 30, 1993

Mr. and Mrs. Harry H. Stierhoff, Jr.
305 Lenora Avenue
Owings Mills, Maryland 21117

RE: Petition for Administrative Variance
Case No. 94-178-A
Property: 305 Lenora Avenue

Dear Mr. and Mrs. Stierhoff:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 305 Lenora Ave
which is presently zoned R-1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1. To allow a side yard setback of 5 ft. in lieu of the required 10 ft. for an attached proposed garage.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons, indicate hardship or practical difficulty:

1. Lot not wide enough to make a two-car garage.
2. Concrete pad was poured 5 ft. from the line in preparation for a garage to be built at a later date. Did not know the law was 15 feet until we went to get the building permit to build garage. The property is not wide enough to make a two-car garage. Even if the house was shifted closer to lot #4, it still would not be within 15 ft. from lot #2. We are unable to make reasonable use of this property.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase Price: _____
Type of Petition: _____
Signature: _____
Address: _____
City: _____
State: _____
Zip: _____
Type of Petition: _____
Signature: _____
Address: _____
City: _____
State: _____
Zip: _____

A Public Hearing having been requested and/or found to be required, it is ordered that the subject matter of this petition be heard at a public hearing to be held on the 1st day of December, 1993, at 10:00 A.M. in the Zoning Commission Hearing Room, 400 Washington Avenue, Towson, Maryland 21204.

REVIEWED BY: R.T. DATE: 11-20-93
ESTIMATED POSTING DATE: 11-14-93 ITEM # 178

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereon in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 305 Lenora Ave
Owings Mills, Maryland 21117

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address, unless otherwise stated:

A concrete pad was poured 5 feet from the line in preparation for a garage to be built at a later date. Did not know the law was 15 feet until we went to get the building permit to build garage. The property is not wide enough to make a two-car garage. Even if the house was shifted closer to lot #4, it still would not be within 15 ft. from lot #2. We are unable to make reasonable use of this property.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a repeating and advertising fee and may be required to provide additional information.

Harry H. Stierhoff, Jr.
Harry H. Stierhoff, Jr.
Melanie K. Stierhoff
Melanie K. Stierhoff

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 10th day of October, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Harry H. Stierhoff, Jr. and Melanie K. Stierhoff

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Notary Seal

My Commission Expires: June 21, 1997

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 305 Lenora Ave, Owings Mills, MD 21117
(address)
Election District 04 Councilmanic District 3

Beginning at a point on the Southeast side of Lenora Ave
(north, south, east or west) which is 30'
(number of feet of right-of-way width)

wide at a distance of 350' Northeast of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Byway Rd
(name of street)

which is 50' wide. "Being lot # 3"
(number of feet of right-of-way width)

Block —, Section E in the subdivision of PLEASANT HILL PARK
(name of subdivision)

as recorded in Baltimore County Plat Book # 07, Folio # 065, containing

57466 sq. ft. 1.32 acres
(square feet and acres)

ITEM # 179

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber —, Folio —" and include the measurements and directions (series and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-178-A Towson, Maryland

District 4th Date of Posting 11/12/93

Posted for: Notice

Petitioner: Harry H. Stierhoff, Jr.

Location of property: 305 Lenora Ave, 305, 232, N. Byway Rd

Location of Sign: Along road way, 10 ft. property line, 20 ft.

Remarks: _____

Posted by: Notary Date of return: 11/16/93

Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

11-26-93

305 LENORA AVE.

OWINGS MILLS

010 - VARIANCE - \$ 50.00

020 - SIGN - \$ 25.00

TOTAL - \$ 75.00

receipt
94-178-A
Amount \$ 601.000
Number 175
R.T.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 19, 1993

Mr. and Mrs. Harry H. Stierhoff, Jr.
305 Lenora Avenue
Owings Mills, Maryland 21117

RE: Case No. 94-178-A, Item No. 179
Petitioner: Harry H. Stierhoff, Jr., et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Stierhoff:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 26, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 179 (11)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21205-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 5, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 179, 180, 183, 184 and 185.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/CLW

ZAC: 179/PZONE/ZAC:

Baltimore County Government
Department of Permits and Licenses

NOVEMBER 10, 1993

(410) 887-3610

111 West Chesapeake Avenue
Towson, MD 21204
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

MEETING OF NOVEMBER 8, 1993

Property Owner: Dori Eisenacher and Rick Eisenacher
Location: #7512 Gilley Terrace
Item No.: *178 (JJS)

Property Owner: Harry H. Stierhoff, Jr. & Melanie K. Stierhoff
Location: #305 Lenora Avenue
Item No.: *179 (RT)

Property Owner: Perry Hall Courts II Joint Venture
Location: #6 Meadowbank Court
Item No.: 180 (RT)

Property Owner: Regent Development Company
Location: #1600 York Road
Item No.: + 182 (JJS)

Property Owner: Rolling Road Plaza, Inc.
Location: #1100 North Rolling Road
Item No.: + 183 (JCM)

Property Owner: Frederic W. Shaffer & Cynthia A. Shaffer
Location: #1218 Second Road
Item No.: * 184 (JLL)

Property Owner: Martin Thalia Resnick & Thalia D. Resnick
Location: #1111 Verdant Road
Item No.: *185 (JJS)

Property Owner: Kathleen Ruth Hughes & Richard H. Hughes
Location: #9212 Harford Road
Item No.: +186 (JLL)

Property Owner: Garrison Forest Associates, L.P.
Location: #10300 Reisterstown Rd. Garrison Forest Plaza
Item No.: + 187 (MCR)

Property Owner: Eric H. Wilderson & Kathleen Wilderson
Location: #2276 Monocacy Road
Item No.: * 188 (RT)

Property Owner: Joseph E. Buchanan, II
Location: Proposed #9712 A & B Magleth Road
Item No.: + 189 (JJS)

Attachments:

October 20, 1993

To Whom It May Concern:

I Constance Lee Olson, and I Michael Scott Olson Sr. of 303 Lenora Ave, Owings Mills Md. 21117, have no objections or concerns for Mr. Harry Hollins Stierhoff Jr. constructing a attached garage to his home at 305 Lenora Ave, Owings Mills Md. 21117, and being less then 15 feet from the property line.

Sincerely,

Constance Lee Olson
Constance Lee Olson
Michael Scott Olson

ITEM # 179

October 20, 1993

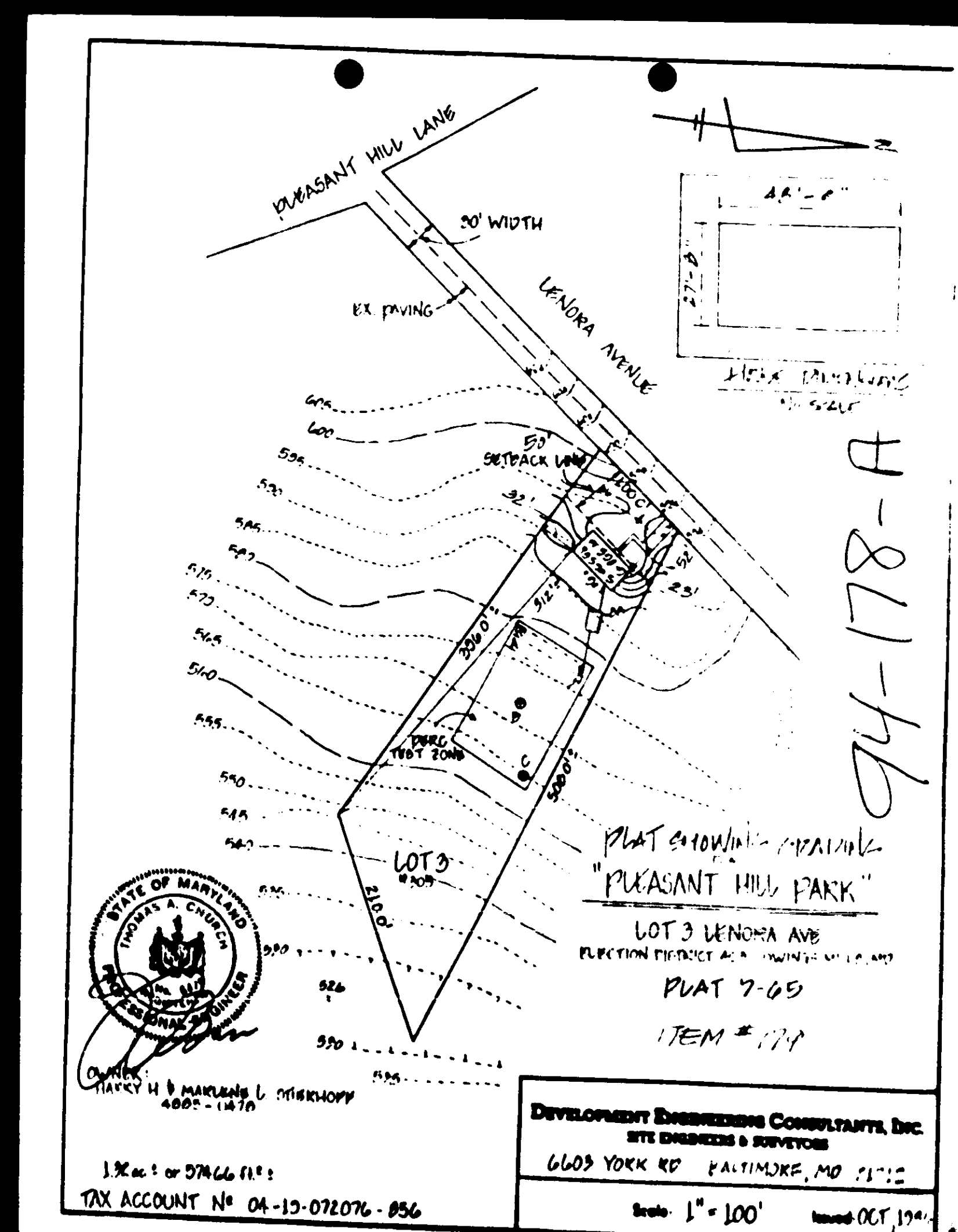
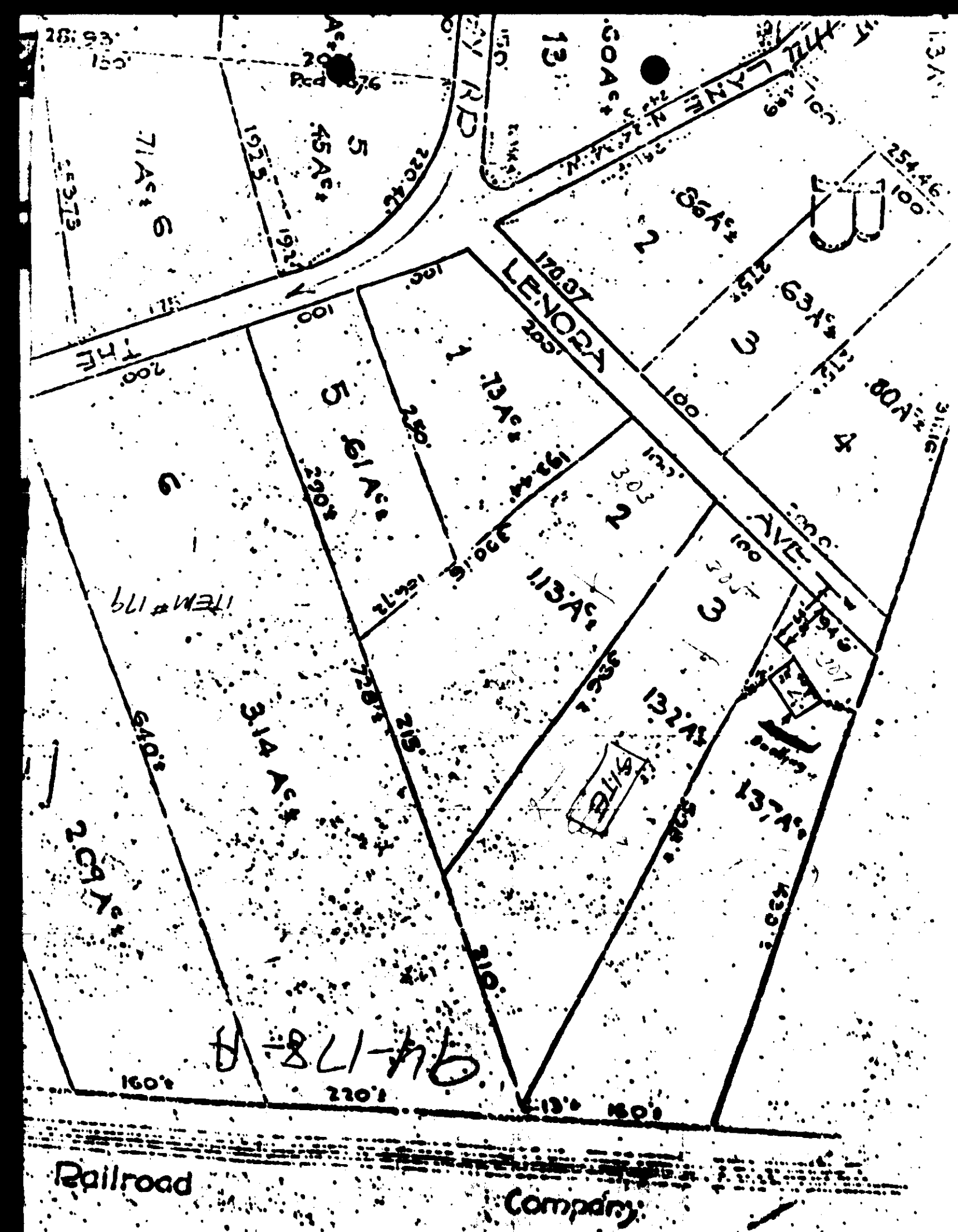
To Whom It May Concern:

I Lois Stockslager-Emery and I Louis W. Emery 3rd, of 307 Lenora Ave, Owings Mills Md. 21117, have no objections or concerns for Mr. Harry Hollins Stierhoff Jr. constructing a attached garage to his home at 305 Lenora Ave, Owings Mills Md. 21117, and being less then 15 feet from the property line.

Sincerely,

Lois Stockslager-Emery
Louis W. Emery 3rd.

ITEM # 179



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

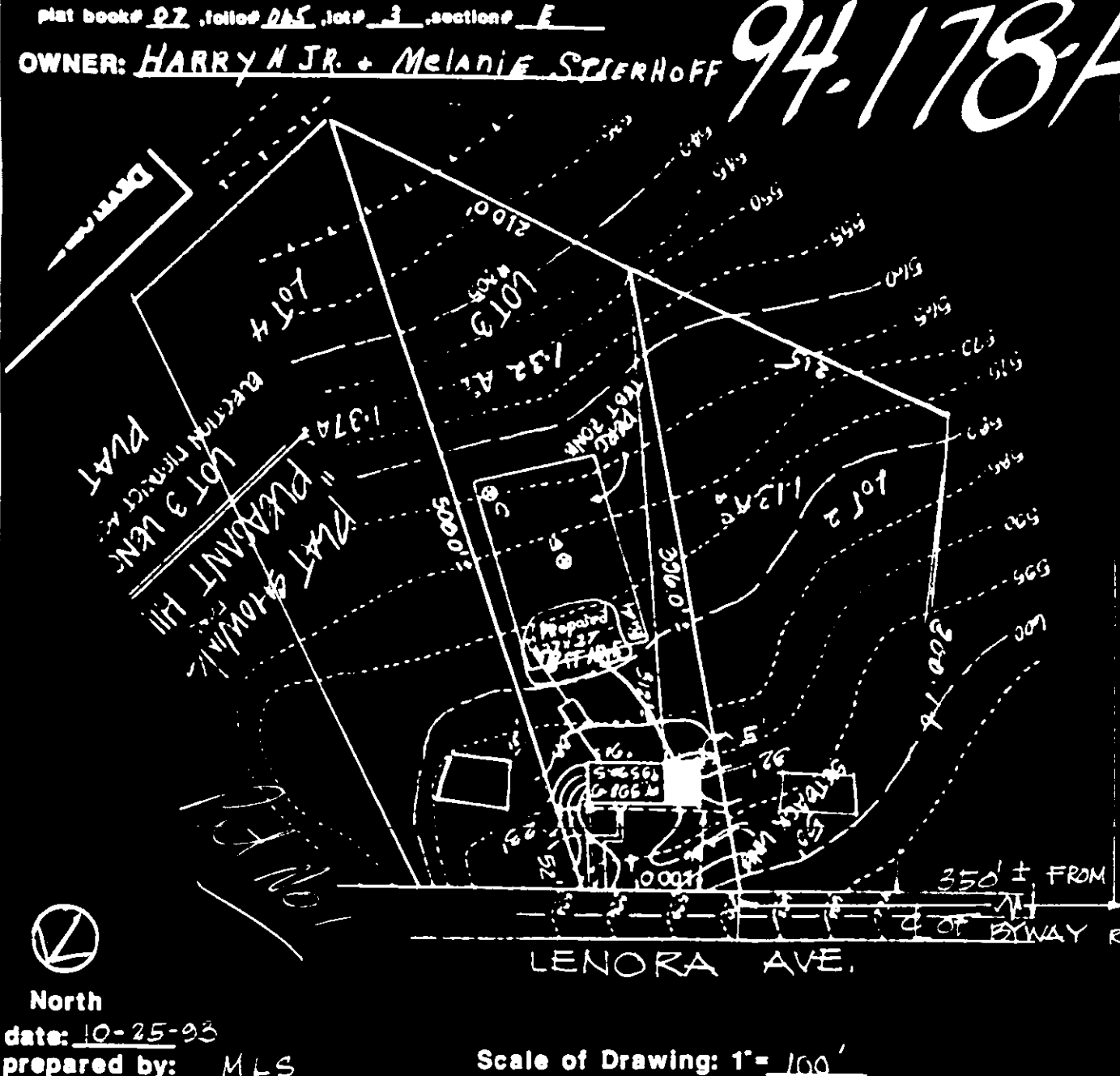
PROPERTY ADDRESS: 305 LENORA AV

Subdivision name: PLEASANT HILL PARK

Plat book: 22, Jones & Co. 1918, section 1

OWNER: HARRY A JR + MELANIE STIERHOFF

94-178A



North
date: 10-25-93
prepared by: MLS

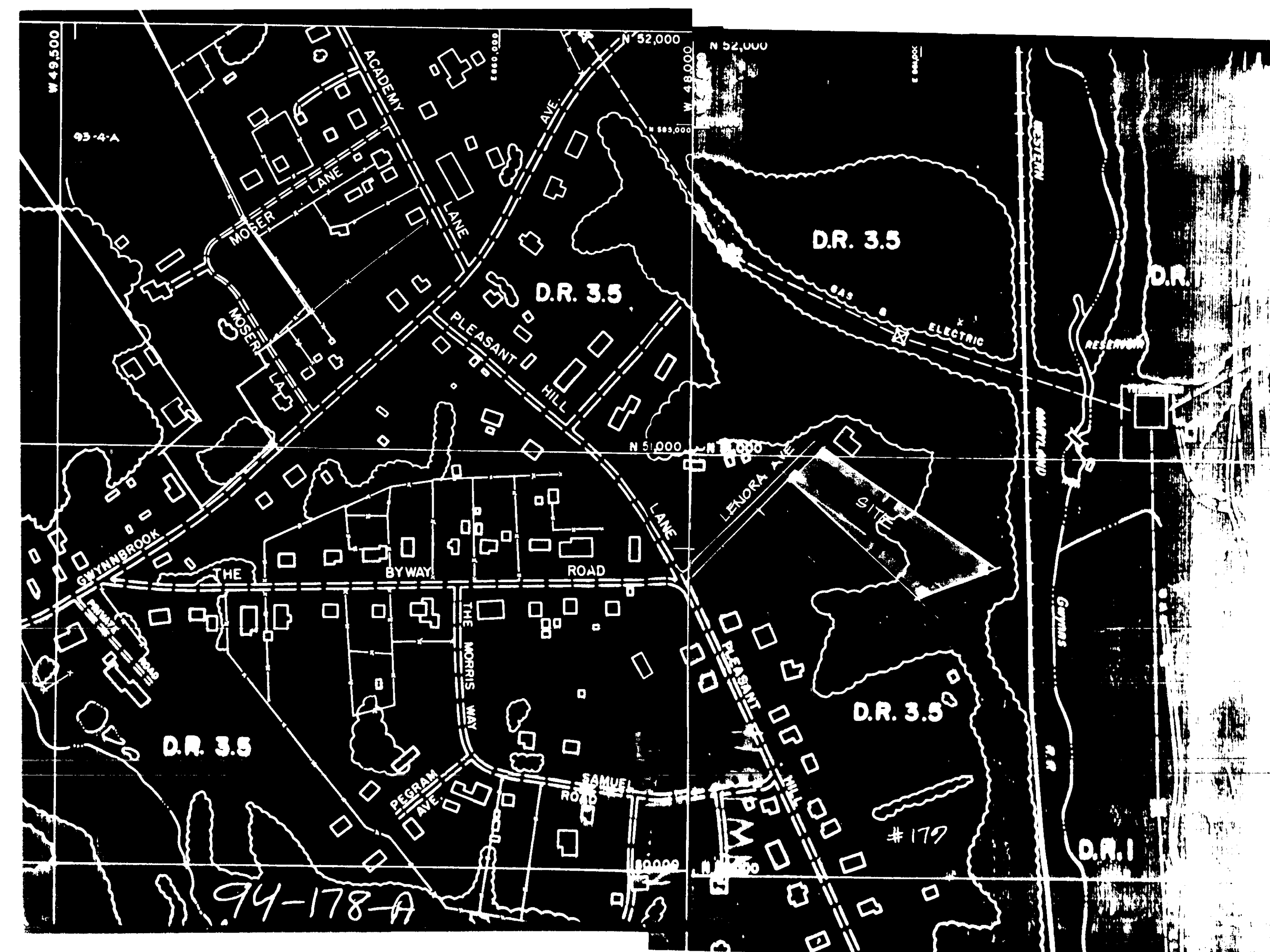
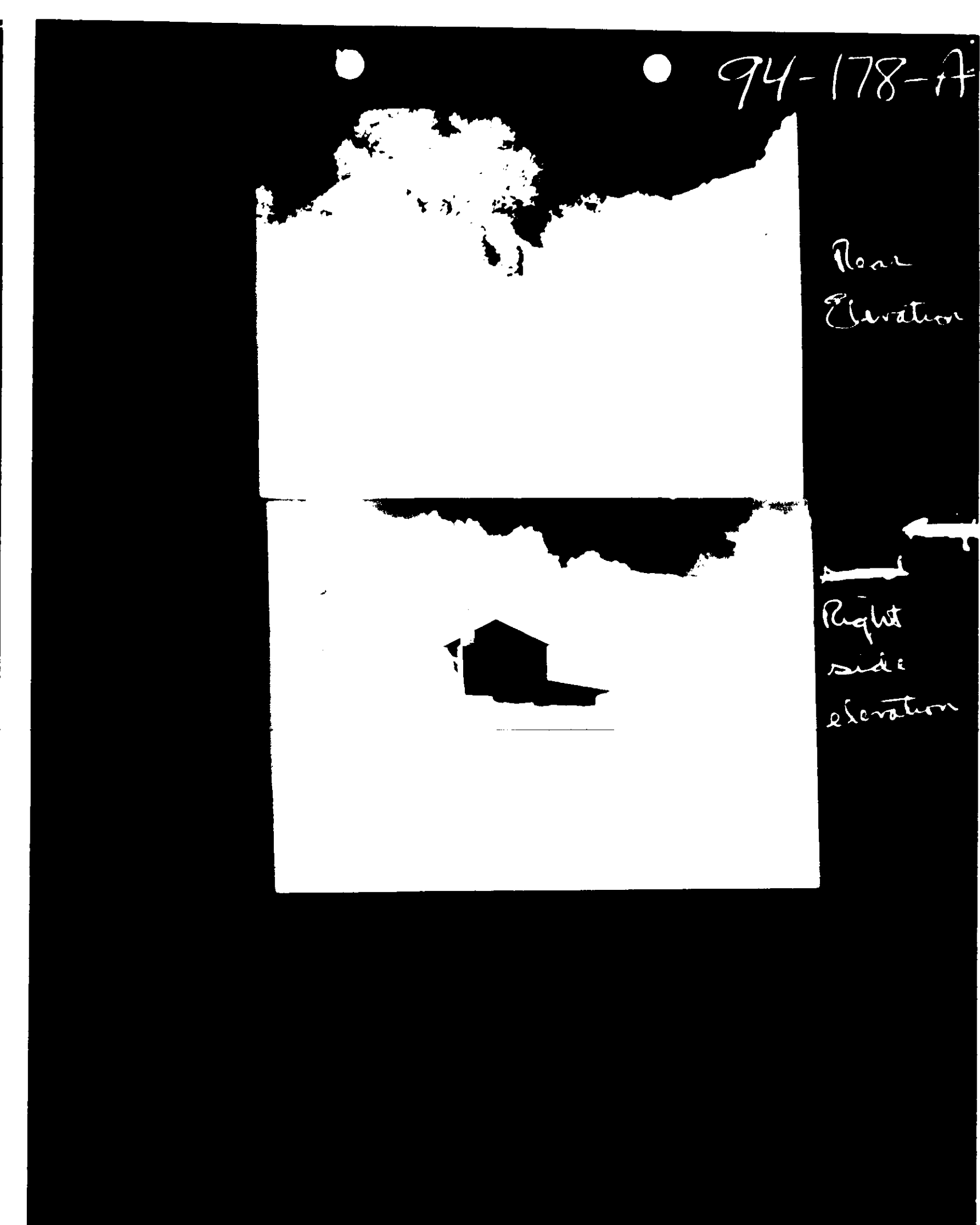
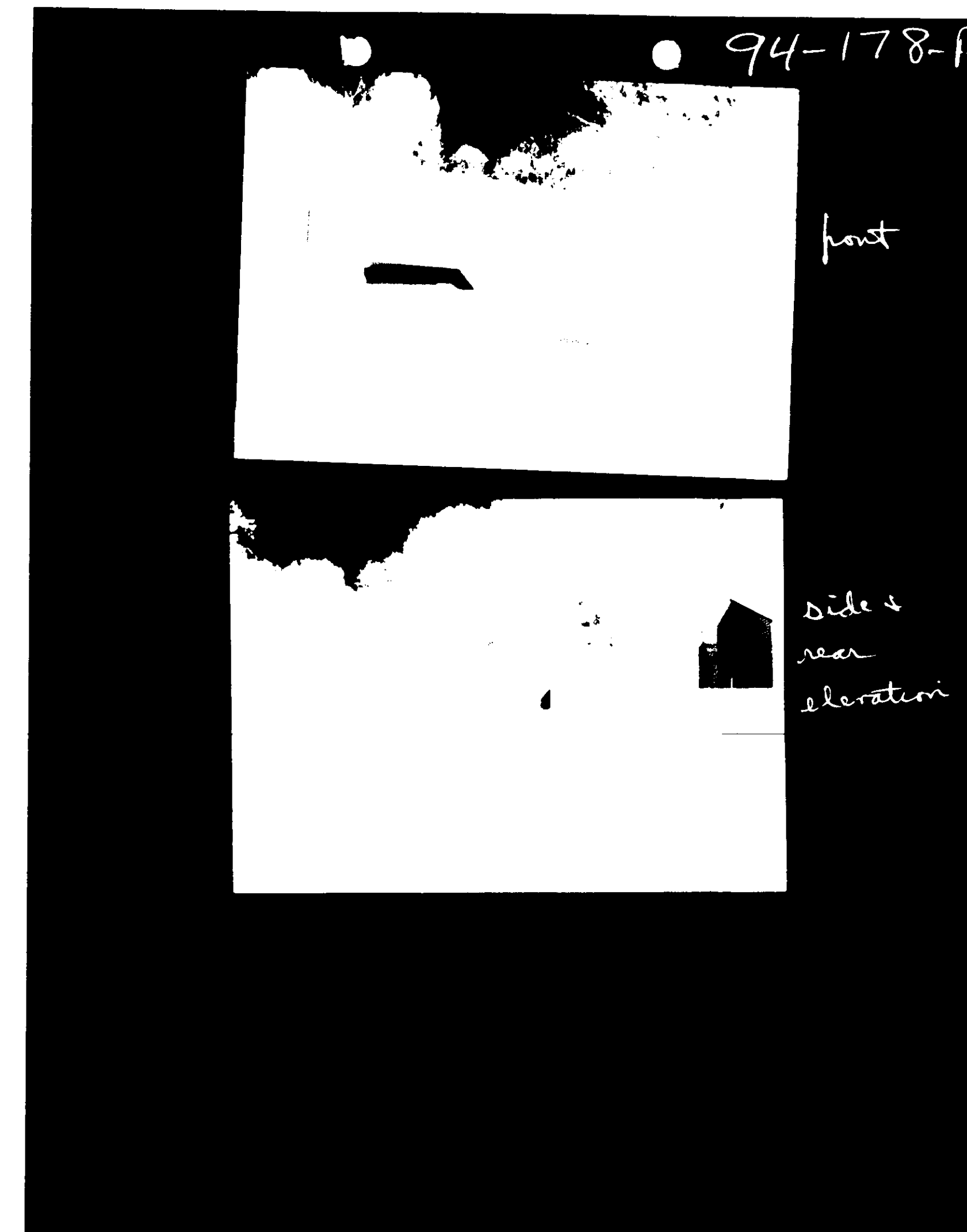
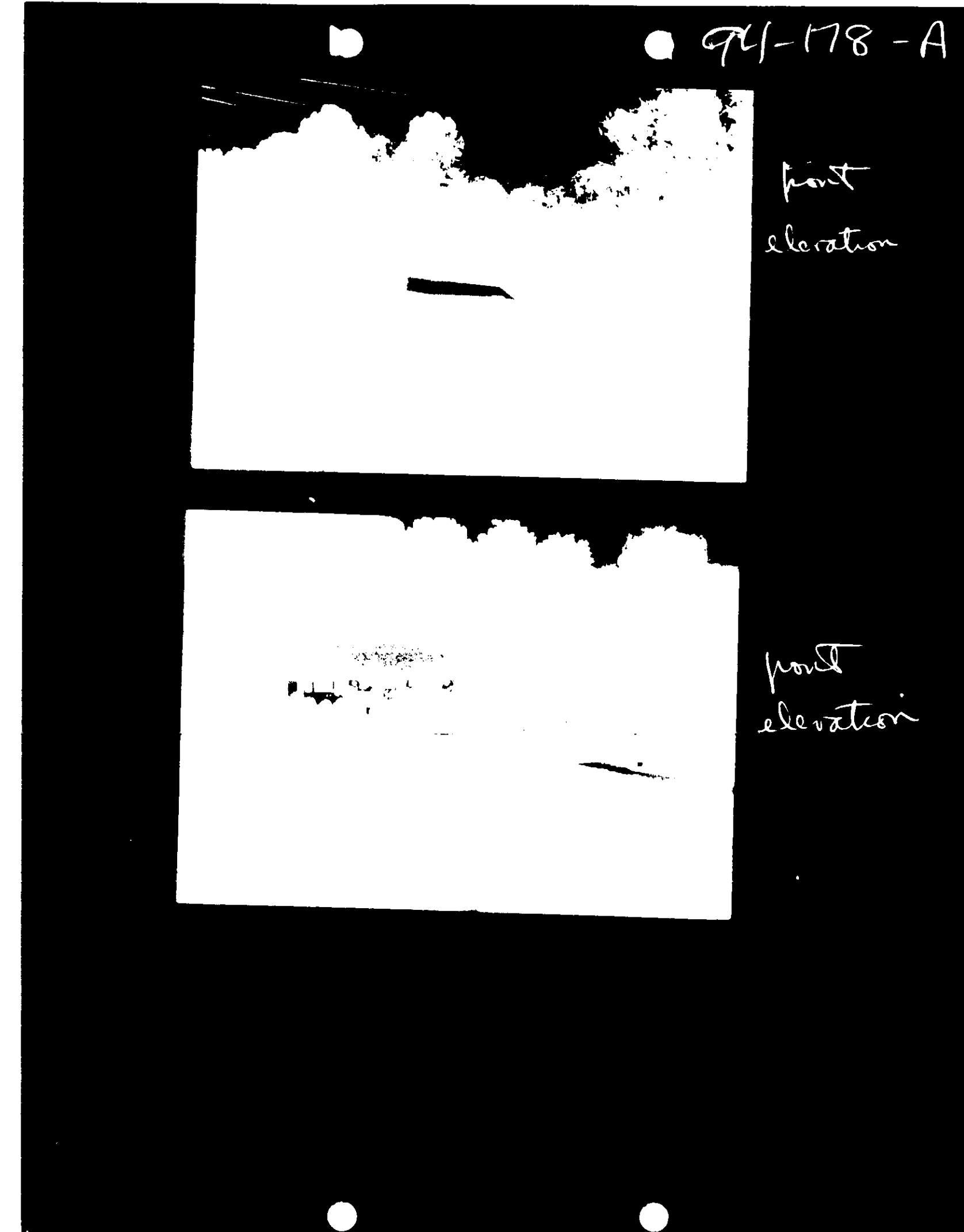
Scale of Drawing: 1" = 100'

LOCATION INFORMATION

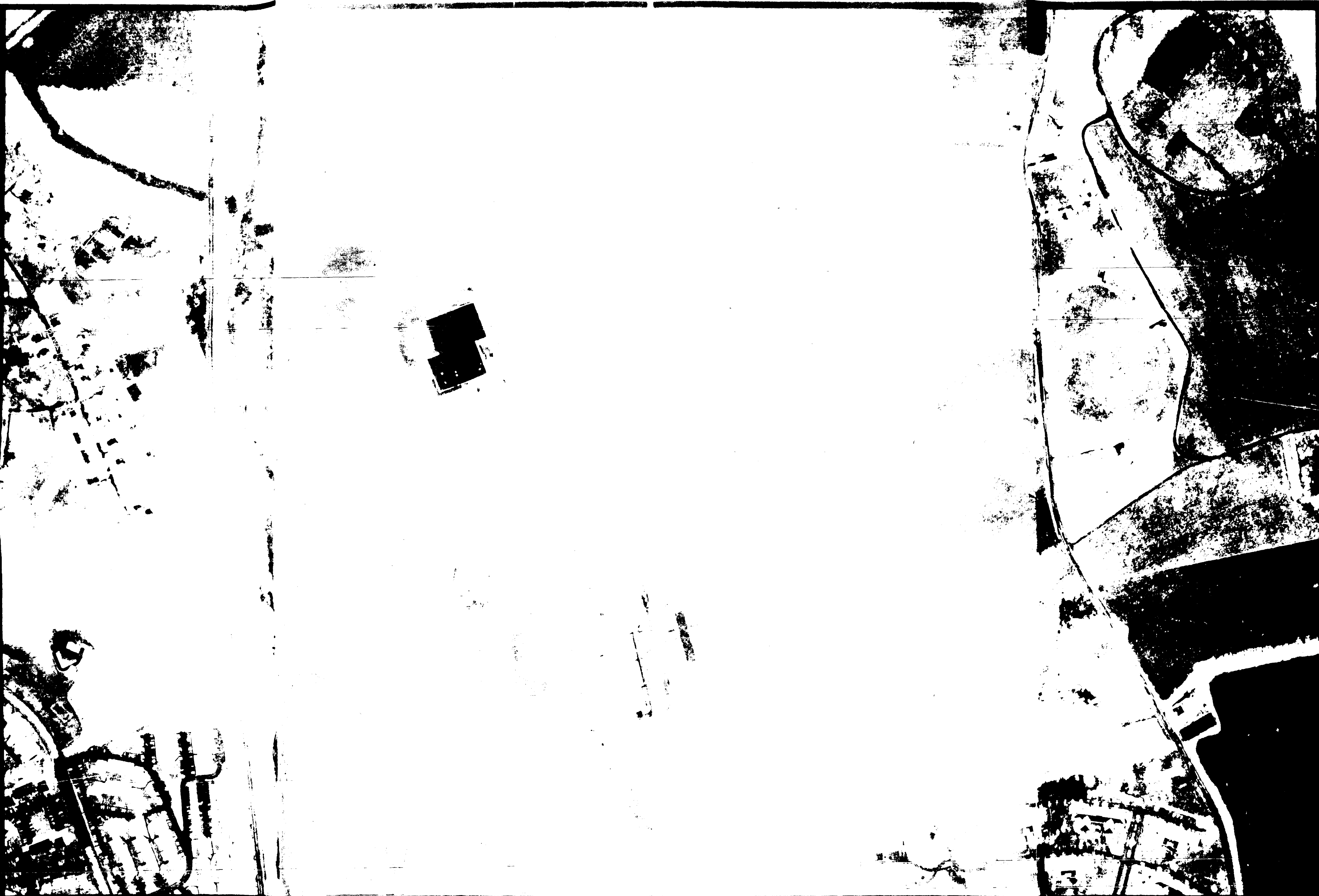
Election District: 4
Councilmanic District: 3
1"=200' scale map: NW 3-1 & 134
Zoning: DR 3.5
Lot size: 1.32 57466 sq ft
square feet

SEWER: ☐ ☒ ☐
WATER: ☒ ☐ ☐
Chesapeake Bay Critical Area: ☐ ☒ ☐
Prior Zoning Hearings: none

Zoning Office USE ONLY!
reviewed by: RJT ITEM #: 170 CASE#:



94-178-A



PREPARED BY AIR PHOTOGRAPHICS, INC.
HARTTSHURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
GWYNNBROOK
ROSEWOOD
SCHOOL VICINITY
ITEM # 172

SHEET
N.W.
13-H